

REMARKS

Claims 1-22 are pending in this application. Claims 1-3, 5-8, 10-15, and 17-22 stand rejected and claims 4, 9 and 16 are objected to. Applicant defers re-writing claims 4, 9 and 16 in independent form until final resolution on the underlying claims is reached. By this Amendment, claims 1, 3, 4, 8, 9, 12, 13, 16, 18, and 22 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Paragraph 1 of the Office Action objects to claims 4, 9, 11-12, 16, 18-19, and 21-22 for certain informalities. The claims have been amended to correct for these informalities. Further, claims 3, 8, and 14 stand rejected under 35 U.S.C. § 112 for failing to point out and distinctly claim the subject matter of the invention. Claims 3, 8, and 14 have been amended to more clearly point out and distinctly claim the subject matter. As such, Applicant respectfully requests that the objection to the claims and the rejections under 35 U.S.C. § 112 be withdrawn.

Claims 1-2, 7, 13-14, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,463,048 ("Garyantes"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Among the limitations of independent claim 1 not present in Garyantes is a phase determining circuit determining a first phase of said first spreading code sequence based on an added quasi-coherent signal to which said first and second quasi-coherent signals are added. The Office Action asserts that the phase determining circuit is shown in Garyantes by elements 45, 40, 50, and 65 in Figures 3 and 4. Applicant does not agree with this interpretation of Garyantes. In Applicant's claim, and as discussed in the specification, the phase determining circuit determines a first phase of the first spreading code on an added quasi-coherent signal which is said first and second quasi-coherent signals added together.

In contrast, Garyantes correlates the pseudo-random code to determine an error signal which is used to "bump" the IQ code generator. This is clearly shown in Figures 2, 3, and 4. In Garyantes, the early-late gate controller 400 which is being equated with Applicant's phase determining circuit does, at no time, add the

first and second quasi-coherent signals and determine a phase based on this added signal. As such, Garyantes fails to disclose the invention explicitly recited in claim 1.

Claims 2-10 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Garyantes and are also believed to be directed towards the patentable subject matter. Thus, claims 2-10 should also be allowed.

Among the limitations of independent claim 13 not present in the cited reference is producing an added quasi-coherent signal by adding said first and second quasi-coherent signals; and determining a first phase of said first spreading code sequence based on said added quasi-coherent signal.

As discussed above, Garyantes does not add the quasi-coherent signals and determine a phase based on the added quasi-coherent signal. In Garyantes, an early-late gate correlator 400 takes a received signal and correlates it with different versions of the pseudo-random code which are time delayed with respect to the local reference pseudo-random code. As such, the Garyantes reference fails to teach adding the quasi-coherent signals and determining a first phase based on said first spreading code sequence based on said added quasi-coherent signal. As such, Garyantes fails to disclose the limitations explicitly recited in Applicant's claims. Therefore, claim 13 is allowable over the cited reference.

Claims 14-20 depend either directly or indirectly from, and contain all the limitations of claim 13. These dependent claims also recite additional limitations

which, in combination with the limitations of claim 13, are neither disclosed nor suggested by Garyantes and are also believed to be directed towards the patentable subject matter. Thus, claims 14-20 should also be allowed.

Claims 5-6, 10-12, 17-18, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garyantes in view of U.S. Patent No. 6,212,406 (“Keskitalo”). Applicant requests reconsideration and withdrawal of this rejection.

Reconsideration of the rejection of claims 11 and 21 under 35 U.S.C. § 103(a) is respectfully requested. Among the limitations of independent claims 11 and 21 not present in the above-recited combination is a ranking circuit storing a plurality of ranked phases.

Garyantes fails to disclose this explicitly recited ranking circuit. In Garyantes, a set of series connected D-type flip-flops delay the signal from the code generator to the correlator. However, at no time does Garyantes rank the phases. The addition of Keskitalo does not cure this deficiency. As such, claims 11 and 21 are allowable over the cited combination.

Claims 12 depends from, and contain all the limitations of claim 11. This dependent claims also recites additional limitations which, in combination with the limitations of claim 11, are neither disclosed nor suggested by Garyantes and are also directed towards patentable subject matter. Thus, claims 11 and 12 should be allowed.

Claims 22 depends from, and contain all the limitations of claim 21. This dependent claims also recites additional limitations which, in combination with the limitations of claim 21, are neither disclosed nor suggested by Garyantes and are also directed towards patentable subject matter. Thus, claims 21 and 22 should be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas
New York, New York 10036-2714
(212) 835-1400
Attorney for Applicant